

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JAMES K. SILVA,)
Plaintiff,)
)
v.) Civil No. 22-10113-LTS
)
EDGARTOWN DISTRICT COURT,)
Defendant.)
)

ORDER

July 20, 2022

SOROKIN, J.

James K. Silva (“Silva”), a resident of Hyannis, Massachusetts, initiated this action by filing a *pro se* complaint with a motion for leave to proceed *in forma pauperis*. ECF Nos. 1, 2.

The complaint, submitted on the Pro Se 1 form, identified the defendant as the Edgartown District Court and complained that the defendant “denied [Silva] his civil rights.” ECF No. 1, at 1 (caption), ¶ II(A) (if the basis for jurisdiction is a federal question).

The Court issued a Memorandum and Order that granted Silva leave to proceed *in forma pauperis* and directed him to file an amended complaint. ECF No. 4. The Court advised plaintiff that his complaint failed to comply with the pleading requirements of the Federal Rules of Civil Procedure and failed to state a claim pursuant to 42 U.S.C. § 1983. *Id.* Specifically, the Court noted that Silva’s claims are likely untimely because the exhibits with the complaint are dated for the years 2016-2017 and the complaint failed to clearly state when the alleged violations occurred. *Id.* The Court further noted that even if Silva’s complaint was timely filed, the Edgartown District Court is not amenable to suit under 42 U.S.C. § 1983. *Id.* Finally, the Court advised Silva that

to the extent he seeks to have this federal court review the rulings of a state court, this court is without jurisdiction under the *Rooker -Feldman* doctrine. *Id.*

Now before the Court is Silva's one-page, handwritten response. ECF No. 5. Silva's response is not submitted on a complaint form and is written on the mailing label that the Clerk generated to mail to Mr. Silva the Court's Memorandum and Order. *Id.*

Silva states that he seeks to correct his "2.1 million dols. Civil lawsuit [which is "[d]irected on the Marthas Vineyard, Dukes County District Courts." *Id.* Silva states:

Because of Not Granting to myself negative zero, No Due Process filing* By Dist. Dukes County Clerk (Thomas S. Teller./Due Process: "Is Fair Treatment through normal judicial systems, as a (myself) citizens entitlement!" in which I (James K. Silva) was Denied.: Look at page (1 and 2).

Id.

Silva directs the Court to "Page (2) for denial of his civil rights and further states: "The Rights of any citizens, to political and social freedom and equality." This is a class of political rights that protect individuals like myself of infringment (sic) freedom of this civil right.

Id.

Finally, Silva directs the Court to 52 pages of attachments to his response stating that they are "true Gov. papers" submitted to support a claim that "attempted murders" were "put on [Silva]." *Id.* Silva attaches many of the same documents that accompanied his original complaint with the most recent documents dated 2018 (ECF No. 5-1, at 15, 20). Finally, Silva complains that "Marthas Vineyard Oak Bluffs Police Dept. and M.V. State Police (Jeff Stone) failed to contact F.B.I. on where abouts of suspect criminal (Robert Jett) who did inflict pain, close death to [Silva]." ECF No. 5.

Upon review of Silva's response, this Court finds that nothing that serves to alter the prior findings set forth in the Memorandum and Order (ECF No. 4]. Silva's response does not address the problems outlined in the Court's Memorandum and Order; namely, that the claims are

untimely, the defendant is not a suable entity and this federal court may not, pursuant to the *Rooker-Feldman* doctrine, exercise appellate jurisdiction over state courts.

In accordance with the foregoing, it is hereby ORDERED:

1. In accordance with the February 14, 2022 Memorandum and Order, this action is dismissed pursuant to 28 U.S.C. § 1915 (e)(2) for failing to state a claim upon which relief may be granted
2. The Clerk shall enter a separate order of dismissal.

SO ORDERED.

/s/ Leo T. Sorokin

Leo T. Sorokin
United States District Judge